

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS, BANKRUPTCY COURT
EASTERN DIVISION
2025 NOV - 7 A 9:51

In Re: John Malone	Case Number 24-10885-CJP Chapter 13
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CREDITOR BOSTON WATER AND SEWER COMMISSION'S LIMITED OPPOSITION TO THE
DEBTORS MOTION TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS

Now comes the Creditor Boston Water and Sewer Commission (the "Commission") which states the following:

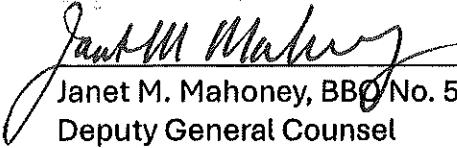
1. The Debtor filed a Chapter 13 Petition on or about May 8, 2024.
2. The Debtor is the owner of property located at 26 Savin Hill Avenue, Dorchester, MA 02125-1826.
3. The Commission is an independent body politic and corporate and political subdivision of the Commonwealth of Massachusetts created pursuant to its Enabling Act, the Boston Water and Sewer Commission Act of 1977, 1977 Massachusetts Acts Chapter 436 and provides water and sewer service to the citizens of the City of Boston, including, but not limited to the Debtor's property.
4. The Commission's claim is secured pursuant to the Boston Water and Sewer reorganization Act of 1977, 1977 Massachusetts Acts c. 436, and Massachusetts General Laws Chapter 40 section 42B, which creates a statutory lien as a matter of law for all unpaid water and sewer charges.
5. The Commission's lien is superior to mortgages and other lien interests in said real estate. *U.S. v. Rahar's Inn, Inc.* 243 F.Supp.459 (1965).
6. On or about October 7, 2025, the Debtor filed a Motion to Sell 26 Savin Hill Avenue Free and Clear of Liens.
7. The Commission has no objection to the Debtor's proposed sale of the Property per se as it proposes to pay the Commission's unpaid pre-petition charges of \$23,399.72 in full.

8. However, Commission records show that the Debtor has accrued post-petition water and sewer charges of \$6,904.86 since the filing of the Bankruptcy.
9. The post-petition water and sewer charges are a lien attached to the property by law.
9. The Debtor's Motion to Sell Real Property Free and Clear of Liens fails to provide for payment to Commission for the post-petition lien.

WHEREFORE, the Creditor Boston Water and Sewer Commission respectfully requests that:

1. The Commission's Limited Opposition be allowed;
2. That Commission receive the full amount of its lien of \$30,304.58 (\$23,399.72 pre-petition and \$6,904.86 post-petition) from the proceeds of the sale;
3. Granting the Commission such other and further relief as is fair and reasonable.

Respectfully submitted,



Janet M. Mahoney, BBO No. 561718
Deputy General Counsel
Boston Water and Sewer Commission
980 Harrison Avenue
Boston, MA 02119
617-989-7368
mahoneyjm@bwsc.org

Dated: November 6, 2025

**View and Pay your Bill Online**

At www.bwsc.org/my-account
Activation Code D56KSIJR

For Pay-by-Phone

(844) 470-5881

For Questions Call Customer Service

(617) 989-7800

Document		Page	ACCOUNT SUMMARY
Account Number	1438276		Previous Total \$6,646.40
Customer			Payments Received \$0.00
JOHN MALONE			Open Amount Due \$6,646.40
26 SAVIN HILL AV			Current Charges \$258.46
DORCHESTER, MA 02125-1826			Total \$6,904.86
Previous Bill Date	09/07/2025		Please Pay \$6,904.86
Current Bill Date	10/07/2025		
Due Date	11/08/2025		

Payments must be received by 11/08/2025 to avoid delinquency charges.

All past due balances are subject to accrued delinquency charges.

Esta cuenta (bill) es muy importante y puede afectar su servicio de agua.

Por favor traduzcalo inmediatamente.

CURRENT TRANSACTIONS		PAYMENTS RECEIVED	
SERVICE CHARGES		TOTAL PAYMENTS RECEIVED	\$0.00
Water	\$87.35		
Sewer	\$88.87		
Stormwater Charge (1 ERU)	\$8.98		
TOTAL SERVICE CHARGES	\$185.20		
DELINQUENCY CHARGES	\$73.26		
TOTAL CURRENT CHARGES	\$258.46		
		OTHER	
		Bankruptcy (Pre-petition charges)	\$23,399.72

SPECIAL MESSAGES

Consider signing up for E-Billing with BWSC, it is a convenient, beneficial way to manage your account, pay your bill, and save the paper! BWSC meters are scheduled to be read daily by an automatic meter reading system.

Please provide your account number on all correspondence.**Please return this portion of the bill with your payment.**

0014382766000690486

Account Number	Due Date	Please Pay	Amount Paid
1438276	11/08/2025	\$6,904.86	

**MAKE CHECKS PAYABLE TO
BOSTON WATER AND SEWER**

Contact Customer Service for Address Change

JOHN MALONE
26 SAVIN HILL AVE APT 3
DORCHESTER, MA 02125-4099

BOSTON WATER AND SEWER COMMISSION
P.O. BOX 55466
BOSTON, MA 02205-5466



Failure to pay the past due balance may result in any and all appropriate legal action.

CURRENT CONSUMPTION			CONSUMPTION HISTORY			
Water Service	Reading Date	Reading	Reading Date	Consumption	Reading Date	Consumption
Meter Number	09/23/2025	1239	02/23/2025	2153		
19006115	08/21/2025	91245 Actual	08/21/2025	1148	01/23/2025	1653
	09/23/2025	92484 Actual	07/23/2025	1454	12/23/2024	1944
Usage			06/23/2025	1907	11/21/2024	2028
Current Service Period (33 Days)		1239 CF	05/21/2025	1322	10/23/2024	2206
		9268 GAL	04/23/2025	1422	09/24/2024	2307
			03/24/2025	1861	08/22/2024	1748

SERVICE MAY BE TERMINATED IF PAST DUE AMOUNT REMAINS UNPAID (Combined Water, Sewer & Stormwater Accounts)**LIENS MAY ATTACH TO PROPERTIES IF PAST DUE AMOUNTS REMAIN UNPAID (Stormwater Only Accounts)****Boston Water and Sewer Commission (BWSC) | Customer Service**Website: www.bwsc.org | Phone: (617) 989-7800 | Offices & Mailing Address: 980 Harrison Ave. Boston, MA 02119**Right to Water Service During Serious Illness**

Please call BWSC. Within seven (7) days of the call, your physician or the Public Health Commission must forward to BWSC a written certificate explaining the medical condition. You must also fill out BWSC's Certificate of Financial Hardship and return within seven (7) days. The Certificate of Financial Hardship form is available on our website and at our offices. You may seek assistance by calling or visiting BWSC Customer Service offices.

Payment Plans

If you cannot pay your bill in full, you may work out a payment plan with BWSC. You may seek assistance by calling or visiting BWSC Customer Service offices.

Right to Service for Senior Citizens

If you reside at the premises, all residents in your house or building are 65 years of age or older, and a financial hardship exists, your water service may not be terminated for failure to pay a past due bill. You may seek assistance by calling or visiting BWSC Customer Service offices.

Discounts for Senior Citizens and the Disabled

Homeowners 65 years of age and older or fully disabled homeowners, living in structures with one to four dwelling units are eligible for a discount on their water bills for that structure and property. The discount of 30% is applied to water, sewer and stormwater charges. The Discount Application form is available on our website and at our offices. You may seek assistance by calling or visiting BWSC Customer Service offices.

Stormwater Only Bills

Stormwater Only accounts will receive bills issued twelve times per year based upon the Impervious area for your property. The Commission will routinely update the Impervious areas for properties and parcels located within the City of Boston.

Right to Dispute Your Bill

To dispute a bill, you must contact BWSC Customer Service within 30 days of the billing date. BWSC will notify you in writing of the result of its review and your right to request an informal conference.

If you need any assistance in filing a dispute, wish to request a hearing, or receive further information, call or visit BWSC Customer Service offices.

For a more detailed statement of your rights, you may consult a copy of the Billing, Termination and Appeals (BT&A) Regulations on our website or at BWSC Customer Service offices.

Rates

Water and sewer rate schedules and stormwater charges schedules are published on our website. These rates are established by a vote of BWSC's Board of Commissioners following a public hearing. Approximately two thirds of the total rate charges are used to pay the Massachusetts Water Resources Authority (MWRA) and the costs of its federally mandated environmental projects.

A DELINQUENCY CHARGE WILL BE ADDED FOR ANY AMOUNT NOT PAID WITHIN THE DUE DATE. THAT CHARGE IS CALCULATED AT THE DAILY RATE OF .03836% (NOMINAL ANNUAL PERCENTAGE RATE OF 14%).

Estimated Bills

Water, sewer and stormwater bills are issued twelve times per year. If an actual meter read is not obtained for water and sewer charges, an estimated read will be based on your usage history. Your monthly bill will indicate an estimated meter read. Any variance due to an estimated read will be corrected when an actual meter read is obtained.

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CERTIFICATE OF SERVICE

I, Janet M. Mahoney, Counsel to the Creditor Boston Water and Sewer Commission, hereby certify that on this day, November 6, 2025, I served a true copy of the Creditor's Boston Water and Sewer Commission's Limited Opposition to the Debtor's Motion to Sell Real Property Free and Clear of Liens by mailing a copy of same via first class mail, postage pre-paid, to each of the following parties:

Richard King, Assistant U.S. Trustee
Office of the US Trustee
J.W. McCormack Post Office & Courthouse
Boston, MA 02109

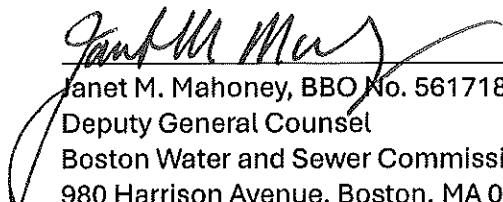
Carolyn Bankowski, Trustee
Chapter 13-12 Trustee Boston
P.O. Box 8250
Boston, MA 02114

John A. Ullian, Esquire
The Law Firm of Ullian & Associates, P.C.
220 Forbes Road, Suite 106

John Malone
28 Savin Hill Avenue
Dorchester, MA 02125

Elsie Dias
Age Strong Commission
1 City Hall Square
Boston, MA 02201

Respectfully submitted,


Janet M. Mahoney, BBO No. 561718
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Boston Water and Sewer Commission
980 Harrison Avenue, Boston, MA 02119
617-989-7368
mahoneyjm@bwsc.org

Dated: November 6, 2025